WP(C) 1893/2007

BEFORE

THE HON'BLE MR. JUSTICE B.K.SHARMA

Heard Mr. B.K.Mahajan, learned counsel for the petitioner as well as Mr. B. Banerjee, learnerd Sr. Govt. Advocate, Arunachal Pradesh.

As agreed to by the learned counsel for the parties and in view of the nature of the order I propose to pass, no notice needs be issued to the Respondent No.5.

The basic grievance raised in this writ petition is the transfer of the petitioner from Namsai to Roing. It appears that the petitioner has been promoted as Assistant Registrar of Co-operative Societies by order dated 3.12.2006. Thereafter, by order dated 13.12.2006, he has been transferred to Roing. The transfer order contains the names of other incumbents, also who have been transferred to different places. Thus, it appears that the impugned transfer order dated 13.12.2006 is by way of routine order of the officers.

Prior to the promotion of the petitioner as Assistant Registrar of Co-operative Societies, while he was holding the post of Sub-Inspector of Co-operative Societies (SICS) Namsai, he was allowed to look after the charge of the Managing Director of Namsai LAMP Ltd. The same was in addition to his normal duties.

After the transfer of the petitioner to Roing from Namsai by the aforesaid order dated 13.12.2006, by Annexure-5 order dated 16.1.2007, it is the Respondent No.5, a Junior Inspector of Co-operative Societies (JICS) has been entrusted with the charge of Managing Director of the said co-operative society in addition to his normal duties. The petitioner made Annexure-7 representation dated 25.1.2007 to the Minister, Education, Research and Co-operation, Government of Arunachal Pradesh urging for cancellation of the transfer order.

From the materials on record, what has transpired is that the petitioner, while was holding the post of SICS, was given current duty charge of Managing Director and the same was in addition to his normal duties. Upon his promotion as A.R.C.S. by order dated 3.12.2006, he has been transferred to Roing from Namsai by order dated 13.12.2006. Thus naturally, upon his transfer to another place, the charge of Managing Director will have to be given to another incumbent.

Mr. Mahajan, learned counsel for the petitioner prays for a direction to the respondents to take on record the Annexure-7 representation dated 25.1.2007 and to dispose of the same in accordance with law.

Considering the submission made by Mr. Mahajan, learned counsel for the petiioner as well as the learned State counsel, I dispose of the writ petition providing that the respondent may dispose of the Annexure-7 representation dated 25.1.2007. However, no adverse order shall be passed against the Respondent No.5 without hearing him,. The petitioner is at liberty to file a fresh representation before the competent authority, if so advised. The representation shall be disposed on or before 30th April, 2007. Till then, status quo as on today may be maintained.

Writ petition is disposed of.